IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5095 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

and

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAMNABEN FAKIRBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR NILESH A PANDYA for Petitioner

MS MANISHA LAVKUMAR, AGP for Respondents No. 1-2

MR RAJNI H MEHTA with MR AJAY R MEHTA for Respondent No. 3

CORAM : MR.JUSTICE N.G.NANDI

and

MR.JUSTICE J.R.VORA

Date of decision: 09/05/2002

ORAL JUDGEMENT (Per : MR.JUSTICE N.G.NANDI)

1. In this Spl. Civil Application under Article 226 of the Constitution of India, the petitioner has been praying for writ of mandamus or any other appropriate writ, order or direction to quash and set aside the Notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (Annexure A & F respectively) and also to quash and set aside the Award declared on 21st September, 2000 (Annexure-F) under section 11-A of the Land Acquisition Act in respect of the lands of the petitioner bearing Block No. 953/2 situated in the sim of village Padra, Taluka Padra, District Vadodara, with further direction to restore the possession of the aforesaid land with the petitioner.

2. Vide order dated 24.9.2001, Rule was issued to the respondents. In response to the notice, the Acquiring Body - Oil and Natural Gas Corporation (respondent No.3) appeared through advocate Mr. Ajay R. Mehta.

3. Vide order dated 21.1.2002, this Court gave an opportunity to the parties to negotiate between themselves, also directing fair and reasonable proposal to be given by the petitioner to the respondent ONGC. Thereafter, the petitioner on 8.2.2002 gave proposal to respondent No.3 stating that the petitioner is ready and willing to accept the lump sum compensation of the land in question and that the compensation is awarded to the tune of Rs. 2,55,400/- by the Land Acquisition Officer, and that if in all Rs. 3,25,000/- are given to the petitioner, the same will be accepted by the petitioner in full and final settlement of the compensation. Thus, it is suggested that the petitioner gave a proposal to accept Rs. 3,25,000/- in full and final settlement of his dispute relating to the acquisition of his land and that he would be satisfied with the total amount of Rs. 3,25,000/-.

4. It is stated by Mr. Mehta for respondent No.3 that the Acquiring Body - Oil and Natural Corporation accepts the proposal given by the petitioner on 8.2.2002 and that the Acquiring Body would be willing to pay in all Rs. 3,25,000/- to the petitioner in full and final settlement of the claim of the petitioner in respect of the land which has been the subject matter of the acquisition.

5. It is jointly stated by learned counsel appearing

for the petitioner and respondent No.3 that Rs. 2,55,474/- has been deposited by respondent No.3 and the said amount is lying with the Special Land Acquisition Officer. It is stated by Mr. Ajay Mehta that the additional amount of Rs. 69,526/- would be deposited with the Special Land Acquisition Officer within two weeks from today, which would make up the total amount of Rs. 3,25,000/-. The amount of Rs. 2,55,474/- and the additional amount of Rs. 69,526/- to be deposited within two weeks from today by respondent No.3, if deposited, shall be paid over to the petitioner in full and final settlement of the acquisition of his land.

6. In view of the above, no further order is necessitated in the writ petition and the petition is disposed of accordingly. Rule is discharged. No order as to costs.

(N.G. Nandi, J.) (J.R. Vora, J.)

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